

**FRANK J. FEDERICO, II, ESQ.,**  
**6800 York Road**  
**Baltimore, MD 21212**

**and**

**FRANK J. FEDERICO, II, P.A.,**  
**6800 York Road**  
**Baltimore, MD 21212**

**Plaintiffs,**

**vs.**

**BANK OF AMERICA CORPORATION**  
**Serve on Chairman of the Board:**  
**CHARLES O. HOLLIDAY, JR.**  
**100 North Tryon Street**  
**Charlotte, NC 28255**  
**(TO BE PERSONALLY SERVED**  
**ON MR. HOLLIDAY)**

**and**

**SUSAN C. NAPIER,**  
**AS AGENT SERVANT AND EMPLOYEE**  
**OF BANK OF AMERICA**  
**655 Paper Mill Road**  
**Newark, DE 19711**

**Defendants,**

**IN THE CIRCUIT**  
**COURT OF**  
**MARYLAND FOR**  
**BALTIMORE COUNTY**  
  
**Case No.: 03-C-10-009362 OT**

\* \* \* \* \*

**AMENDED COMPLAINT**

NOW COMES, Frank J. Federico, II and Frank J. Federico, II, P.A., hereinafter Plaintiffs, by and through Frank J. Federico, II, an Attorney licensed to practice law in the State of Maryland, and hereby sues the Defendant, Bank of America Corporation, and for grounds therefore states:

### **THE PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff Frank J. Federico, II, Esquire ("Federico"), is an individual domiciled in Baltimore County, Maryland and has a principle place of business located in Baltimore County, Maryland.

2. Plaintiff, Frank J. Federico, II, P.A, is a corporation organized under the laws of the State of Maryland, with its principal place of business located at 6800 York Road, Baltimore, Maryland 21212 and its corporate officer and proprietor being Co-Plaintiff, Frank J. Federico, II, Esquire.

3. Defendant, Bank of America Corporation, is a corporation organized under the laws of the State of Maryland and regularly transacts business in Baltimore County, Maryland.

4. Defendant, Bank of America Corporation, is a federally chartered banking institution, with its principal place of business located in Charlotte, North Carolina.

5. Defendant, Susan C. Napier, acting as Operations Consultant and employee of Bank of America, with her principal place of business located in Newark, Delaware.

6. Jurisdiction is appropriate in this Court pursuant to Section 6-102 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland. Venue is appropriate in this Court pursuant to Section 6-201 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.

### **FACTS**

7. That Plaintiff, Frank J. Federico, II, Esquire, had been a customer with Bank of America Corporation since 1954.

8. That the Plaintiffs entered into one or more contracts with Bank of America Corporation.

9. That payments were supposed to be made by the Plaintiffs on several accounts, there was a discrepancy and monies were then withdrawn from the Plaintiffs' Operating account and Money Market accounts, without notice, leaving the Plaintiffs with only \$25.00 in the Operating account, which was a breach of contract, and which caused further circumstances and damages alleged below. Bank of America Corporation was at one time a cordial bank.

10. Bank of America Corporation purchased Lehman Brothers several years ago, but Bank of America Corporation was having financial difficulties and our last President of the United States, President George Bush, loaned Bank of America Corporation 79 Billion Dollars.

11. That Bank of America Corporation threatened, in writing, to issue correspondence to all other financial institutions instructing them to not do business with me.

12. That Bank of America Corporation's actions caused me to lose valuable employees as I was unable to meet payroll.

13. Bank of America Corporation's actions caused me several false complaints from numerous sources.

14. That Bank of America Corporation slandered Plaintiff's credit as a result of these actions.

15. That Bank of America Corporation's actions and further consequences caused unwarranted stress and strain on Plaintiff's practice, personal life, finances, and health; to wit: pulmonary embolism.

16. That Plaintiff at one time had the following accounts with Bank of America:

Business Economy Checking Account 004464371083

Business Economy Checking 446008018726

Business Economy Checking 446009527892

Premier Banking Client Account 003934383146

Credit Line Account 74984757605916

Credit Line Account 4888936171620184

Account ending in 2834

Account ending in 3889

Credit Line Account 74971230694435

FIA Card Services - Credit Line Account (formerly Wachovia)  
5490998350795283

Account 74971999415543

Account ending in 8765

Account ending in 9975

Commercial Loan (Line of Credit) – Customer No. 41-573775

Account 074984999120039

Public Service Trust Account 006060141151

and additional accounts which may have been previously settled and/or closed.

17. That Defendant, Bank of America Corporation, has alleged that Plaintiffs have defaulted on the various accounts stated in Paragraph 13 by failing to pay the balances due pursuant to the monthly statements issued to Plaintiff.

#### **FACTUAL ALLEGATIONS**

18. That Defendant, Bank of America Corporation, sold a lot of the Plaintiff's accounts to various collection agencies, who have repeatedly contacted Plaintiff Frank J. Federico, II, Esquire at his place of employment through telephone calls and U.S. Mail, in violation of the Federal Fair Debt Collection Practices Act, codified at 15 U.S.C. § 1692c(a)(3).

19. That Defendant, Bank of America Corporation, has also retained counsel to sue the Plaintiff, Frank J. Federico, II, Esquire, on some of the past due accounts they allege Plaintiff owes.

#### COUNT ONE

20. That in this Count Plaintiff Frank J. Federico, II, Esquire sues Defendant, Bank of America Corporation, and incorporates and re-alleges all facts and allegations contained in all previous parts of this Complaint as though they were fully set forth herein.

21. That as a direct and proximate result of the actions of the Defendant alleged herein, Plaintiff, Frank J. Federico, II, Esquire sustained severe emotional turmoil and duress, loss of income, and physical injuries as follows:

A. The constant harassment, abuse, threats, and otherwise malicious tactics by the Defendant as described herein caused severe emotional turmoil and duress to be endured by Plaintiff Frank J. Federico, II, Esquire.

B. The excessive telephone calls to Plaintiff Frank J. Federico, II, Esquire's place of business caused exorbitant amounts of time, energy, and resources to address that would have otherwise been spent addressing to Plaintiff's practice, thereby causing significant amounts of lost income.

C. The emotional turmoil, duress, and personal damage suffered by Plaintiff Frank J. Federico, II, Esquire, as a result of the actions of Defendant, directly and causally contributed to the formation of a chronic pulmonary embolism in Plaintiff's right leg that subsequently traveled through Plaintiff's heart and then into Plaintiff's lungs causing (i) Plaintiff to be initially hospitalized on or about March 28, 2009 at Beebe Medical Center in Lewes, Delaware for one week, he was seen at St. Joseph's Hospital, and then he was treated at Greater

Baltimore Medical Center. Mr. Federico had to take the drug Coumadin for 8 ½ to 9 months so his blood could finally level out. (ii) Plaintiff's current and prospective out-patient treatment, (iii) Plaintiff's life-long necessity of taking medication, and (iv) other current and prospective medical conditions and the treatment of such conditions.

D. That as a result of the Plaintiff's aforementioned hospitalization and subsequent treatment as described in Paragraph 18(C) of this Complaint, Plaintiff suffered further emotional pain and duress being advised by medical professionals, in addition to other consequences and realities associated thereto, that fewer than 3% of patients inflicted with said condition survive after onset.

19. That as a result of Plaintiff's aforementioned hospitalization, subsequent treatment, and further emotional duress as a result thereto described in Paragraphs 18(C) and 18(D) of this Complaint, exorbitant amounts of time, energy, and resources were unable to be devoted to Plaintiff's practice, thereby causing significant amounts of loss of income.

20. That all of Plaintiff's said injuries, damages and losses, past, present and prospective, were caused solely by the conduct of Defendant, without any want of due care on the part of Plaintiff contributing thereto.

***WHEREFORE**, Plaintiff Frank J. Federico, II, Esquire, hereby sues Defendant, Bank of America Corporation, and claims the sum of TWENTY MILLION DOLLARS (\$20,000,000.00) in actual compensatory damages from the Defendant, court costs and counsel fees.*

## COUNT TWO

21. That in this Count Plaintiff, Frank J. Federico, II, P.A., sues Defendant, Bank of America Corporation, and incorporates and re-alleges all facts and allegations contained in all previous parts of this Complaint as though they were fully set forth herein.

22. That as a direct and proximate result of the damages sustained by its corporate officer, sole proprietor, and sole practitioner, Plaintiff, Frank J. Federico, II, Esquire, as described in Paragraphs 18 and 19 of this Complaint; Plaintiff, Frank J. Federico, P.A., as a corporation, experienced diminished earning capacity and thereby financial turmoil resulting in significant loss of revenue.

23. That all of Plaintiff's said damages, past, present and prospective, were caused solely by the conduct of Defendant, without any want of due care on the part of Plaintiff contributing thereto.

*WHEREFORE, Plaintiff, Frank J. Federico, II, P.A., hereby sues Defendant, Bank of America Corporation, and claims the sum of TWENTY MILLION DOLLARS (\$20,000,000.00) in actual compensatory damages from the Defendant and court costs and counsel fees.*

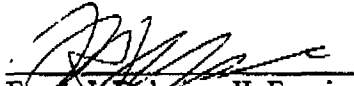
## COUNT THREE

22. That Defendant, Susan Napier, agent servant and employee of Bank of America, advised that Bank of America does not want to dispute this case in court and subsequent to an e-mail and several conversations and attempts to contact her on many occasions have gone unnoticed and no return calls were made. As a result one of their attorney's at their instructions filed suit against Frank J. Federico after there was an agreement that no court actions would be taken at this time. Susan C. Napier and Bank of America have caused a continuation of follow-

up medical treatment with Greater Baltimore Medical Center and other hospitals due to the stress that they are continuing to exert causing the health of the Plaintiff to deteriorate. Therefore, we feel that deceit, fraud, misrepresentation, and bad faith was entered into by Bank of America and its employee, Susan C. Napier, and therefore has accelerated Frank J. Federico's condition as.

***WHEREFORE**, Plaintiff, Frank J. Federico, II, P.A., hereby sues Defendant, Bank of America Corporation, and claims the sum of TWENTY MILLION DOLLARS (\$20,000,000.00) in actual compensatory damages from the Defendant and court costs and counsel fees.*

Respectfully submitted,

  
Frank J. Federico, II, Esquire  
6800 York Road  
Baltimore, Maryland 21212  
(410) 823-4880  
Fax (410) 377-5705  
Attorney at Law



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**DEMAND FOR JURY TRIAL**

NOW COMES, Plaintiff Frank J. Federico, II, Esquire, and hereby demands that the  
above captioned case be heard before a jury.

Respectfully submitted,



Frank J. Federico, II, Esquire  
6800 York Road  
Baltimore, Maryland 21212  
(410) 823-4880 Fax (410)377-5705  
Attorney at Law